



DALLAS COUNTY  
DISTRICT ATTORNEY  
JOHN VANCE

RD-646

Re: 4208

November 18, 1993

DEC 09 1993

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EXECUTORS

MBT

The Honorable Dan Morales  
Attorney General of Texas  
P. O. Box 12548  
Austin, Texas 78711-2548

FILE # ML-23559-93

I.D.# 23559  
(1-11-94)

Re: The Amount Of Fines To Be Collected Pursuant To Section  
4.25(a) Education Code As Amended By Senate Bill No. 7 And  
House Bill No. 1372, 73rd Legislature, 1993

Dear General Morales:

Senate Bill No. 7 made significant changes to the Texas Education Code. Chapter 347, 73rd. Legislature, 1993. Section 6.01 of SB No. 7 amends subsections (a) and (b), Section 4.25, Education Code. A copy of the Section 4.25 amendment is attached for your convenience.

As a part of the comprehensive revisions to the Education Code, the amounts of fines in Section 4.25(a) increased two-fold and subsection (b) was changed to require that the collected fines be divided evenly between school districts and the local governing bodies wherein court cases are filed. Senate Bill No. 7 was enacted by the Legislature on May 28, 1993. It would appear that the intent of the Legislature was to make extensive changes in the Education Code, which included the doubling of fines in Section 4.25(a) and a formula to divide the collected fines.

It is unknown whether the on-going litigation in the Travis County District Court has impacted the legality or constitutionality of this particular section of the Education Code.

House Bill No. 1372, enacted May 29, 1993, made only a minor change in Section 4.25(a). The change relates to venue. Chapter 930, 73rd. Legislature, 1993. A copy of H.B. No. 1372 is attached for your convenience.

The procedure to be observed in amending statutes is subject to the provision of the Texas Constitution that no law may be amended by mere reference to its title. The section to be amended must be reenacted and published at length by an act or bill that is subject to the veto power of the governor. The object is to prevent the practice of amending laws simply by providing that certain words shall be added, or that others shall be stricken out, or that in place of certain language certain other words shall be substituted. The same rule applies to the amendment of subsections. Tex. Jur. 3rd., Statutes.

The Honorable Dan Morales

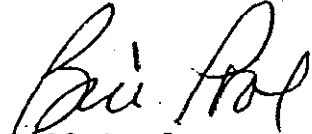
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If amendments to the same statute are enacted at the same session of the legislature, one amendment without reference to another, the amendments shall be harmonized, if possible, so that effect may be given to each. Code Construction Act.

Your opinion is respectfully requested as to whether the legislature intended to double the fines and divide the proceeds between the school district and other local entities. Surely, the Legislature did not intend to leave the amount of the fines as they were prior to the 73rd Legislature and then provide that the fines be divided equally.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Bill Pool".

Bill Pool  
Assistant District Attorney  
Dallas County, Texas

cc: County Auditor

BP/at